专利合作条约

发信人: 国际检索单位 收信人: **PCT** 100011 中华人民共和国香港特别行政区 国际检索单位书面意见 (PCT 细则 43 之二 .1) 湾仔港湾道 23 号鹰君中心 22 字楼 中国专利代理(香港)有限公司 发文日(日/月/年) 21 · 12月 2006 (21 · 12 · 2006) 申请人或代理人的档案号 后续行为 FPEL06150005 见下面第2段 国际申请号 国际申请日(日/月/年) 优先权日(日/月/年) PCT/CN2006/000351 08.3 月 2006 (08.03.2006) 国际专利分类(IPC)或国家分类和 IPC 两种分类 H04N7/16 (2006.01)i 申请人 黄金富 等 1.本意见包括关于下列各项的内容: \boxtimes 意见的基础 II 优先权 III 不作出关于新颖性、创造性和工业实用性的意见 IV 缺乏发明的单一性 V 按照细则 43 之二.1(a)(i)关于新颖性、创造性或工业实用性的意见; 支持这种意见的引证和解释 \boxtimes 引用的某些文件 VI VII 国际申请中的某些缺陷 VIII 对国际申请的某些意见 2. 后续行为 如果提出初步审查要求书,本次意见将被视为国际初步审查单位(IPEA)的一次书面意见(如果申请人选择的 国际初步审查单位非本单位,而且所选国际初步审查单位已按照细则 66.1 之二(b)通知国际局将不考虑国际 检索单位的书面意见时例外)。 如本书面意见被视为国际初步审查单位的书面意见,则请申请人在自 PCT/ISA/220 发文之日起 3 个月或自优 先权日起22个月内(以后届满者为准)向国际初步审查单位提交书面答复并提交修改(如适用),详情见 PCT/ISA/220 表格。 3. 详细信息请见 PCT/ISA/220 表格的说明 完成本意见的日期 受权官员 中华人民共和国国家知识产权局 (ISA/CN) 中国北京市海淀区蓟门桥西土城路 6 号 100088 15.11 月 2006 (15.11.2006) 传真号: (86-10)62019451 电话号码: (86-10)62084648

PCT/ISA/237 表(扉页) (2005 年 4 月)

国际申请号

PCT/CN2006/000351

| I. | 意见的基 | 基础 |
|----|-------------|---|
| | 1、 🗦 | 关于语言,制定书面意见基于: |
| | \boxtimes | 申请提出时使用的语言。 |
| | | 该申请的语言译文,为了国际检索的目的提供该种语言的译文(细则 12.3(a)和 23.1(b))。 |
| 2、 | 关于国际日 | 申请中所公开的核苷酸和/或氨基酸序列表和对所称发明的必要性,该书面意见是在下列基础上制定 |
| ĺ | 的: | |
| | a. 材料 | 的类型 |
| | | 序列表 |
| | | 与序列表相关的表格 |
| _ | b. 材料 | 的形式 |
| • | | 纸件形式 |
| | | 电子形式 |
| | c. 提了 | と/提供时间 |
| | | 包括于已提交的国际申请。 |
| | | 以电子形式与国际申请一起提交。 |
| | | 为检索之用随后提交本国际检索单位。 |
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| 3、 | □ 另外 | ,在提交/提供了多个核苷酸和/或氨基酸序列表和/或与其相关的表格的版本或副本的情况下,提 |
| | | 了关于后提交的或附加的副本与已提交的国际申请中的序列表相同或未超出国际申请中序列表范围 |
| | | 如适用)的声明。 |
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| 4 | 补充意见 | |
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PCT/ISA/237 表(第I栏) (2005 年 4 月)

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| 国 | 际 | 申 | 请 | 号 |

PCT/CN2006/000351

| ٧. | 按细则 43 之二. | 1 关于新颖性、创造性或工业实用性的意见;支持这种意见的引证和解释 | |
|----|------------|-----------------------------------|---|
| 1. | 意见 | | |
| | 新颖性(N) | 权利要求_1-10 | 是 |
| | | 权利要求 | |
| | 创造性(IS) | 权利要求_2-4,6-10 | 是 |
| | | 权利要求_1,5 | 吞 |
| | 工业实用性(IA) | 权利要求 1-10 | 是 |
| | | 权利要求 | 否 |

2. 引证和解释

本检索报告引用了以下对比文件:

D1: CN1372765A

D2: CN1741060A

D3: US200401750A1

D4: US6002393A

权利要求1请求保护一种电视广告播放系统,对比文件1公开了一种电视系统,使广告能针对所宣传的产品或服务特别感兴趣的观众来播放。在附图1中公开了广播装置102(相当于广告中心),用于收集和处理广告信息;用户接口109和电视108(相当于显示器和电视机),用于显示所需的个性化广告;权利要求1与对比文件1的区别在于,权利要求1还包括一智能控制模块,用于接收广告中心的广告信息并发送到广告用户的显示器和/或电视机。这一特征在对比文件1中没有公开,因此权利要求1具有新颖性,符合PCT第33条(2)的要求。

然而对比文件1中公开了网络提供商104和接收机105,也可以将广播中心收集和处理的广告信息发送到相关的用户接口和电视机,与本发明中的智能控制模块实现了完全相同的作用,这对本领域技术人员来说是显而易见的。因此对本领域技术人员来说,在对比文件1的基础上结合本领域公知常识从而得到权利要求1的技术方案是显而易见的,因此权利要求1不具备创造性,不符合PCT第33条(3)的要求。

另外,对比文件2公开了一种付费给广告点播用户的网络广告系统。对比文件3公开了一种向观看者显示目标内容(例如广告)的交互式电视系统。对比文件4公开了一种将所需的电视广告发送到各个消费者的系统和方法。上述对比文件都可破坏权利要求1的创造性。

权利要求2-4的附加技术特征对智能控制模块的结构和广告播放决策程序单元进行了限定,上述特征在以上对比文件中都没有公开,并且现有技术中也没有给出相关的启示和教导,因此权利要求2-4具有新颖性和创造性,符合PCT第33条(2)和(3)的要求。

权利要求5请求保护与权利要求1-4中任一系统所对应的电视广告播放方法,基于上述理由,权利要求5请求保护的与权利要求1对应的方法不具备创造性,不符合PCT第33条(3)的要求。

权利要求6-10的附加技术特征在现有技术中都没有公开,也没有给出相关的启示和教导,因此权利要求6-10具有新颖性和创造性,符合PCT第33条(2)和(3)的要求。

权利要求1-10的技术方案可在电视广告领域内制造和使用,具有工业实用性,符合PCT 第33条(4)的要求。

专利合作条约

收信人: **PCT** 100011 中华人民共和国香港特别行政区 国际检索单位书面意见 (PCT 细则 43 之二 .1) 湾仔港湾道 23 号鹰君中心 22 字楼 中国专利代理(香港)有限公司 发文日(日/月/年) 21·12月 2006 (21·12·206) 申请人或代理人的档案号 后续行为 FPEL06150005 见下面第2段 国际申请号 国际申请日(日/月/年) 优先权日(日/月/年) PCT/CN2006/000351 08.3 月 2006 (08.03.2006) 国际专利分类(IPC)或国家分类和 IPC 两种分类 H04N7/16 (2006.01)i 申请人 黄金富 等 1.本意见包括关于下列各项的内容: 意见的基础 \boxtimes 优先权 Π III 不作出关于新颖性、创造性和工业实用性的意见 IV 缺乏发明的单一性 \boxtimes 按照细则 43 之二.1(a)(i)关于新颖性、创造性或工业实用性的意见; 支持这种意见的引证和解释 引用的某些文件 VI 国际申请中的某些缺陷 VII VIII 对国际申请的某些意见 2. 后续行为 如果提出初步审查要求书,本次意见将被视为国际初步审查单位(IPEA)的一次书面意见(如果申请人选择的 国际初步审查单位非本单位,而且所选国际初步审查单位已按照细则 66.1 之二(b)通知国际局将不考虑国际 检索单位的书面意见时例外)。 如本书面意见被视为国际初步审查单位的书面意见,则请申请人在自 PCT/ISA/220 发文之日起 3 个月或自优 先权日起 22 个月内(以后届满者为准)向国际初步审查单位提交书面答复并提交修改(如适用),详情见 PCT/ISA/220 表格。 3. 详细信息请见 PCT/ISA/220 表格的说明 完成本意见的日期 受权官员 中华人民共和国国家知识产权局 (ISA/CN) 中国北京市海淀区蓟门桥西土城路 6号 100088 15.11 月 2006(15.11.2006) 传真号: (86-10)62019451 电话号码: (86-10)62084648

PCT/ISA/237 表(扉页) (2005 年 4 月)

发信人: 国际检索单位

国际申请号

PCT/CN2006/000351

| I. | 意, | 见的基础 |
|-----|-----|---|
| | | 1、关于语言,制定书面意见基于: |
| | | 区 申请提出时使用的语言。 |
| | | □ 该申请的语言译文,为了国际检索的目的提供该种语言的译文(细则 12.3(a)和 23:1(b))。 |
| 2、∌ | き子目 | 国际申请中所公开的核苷酸和/或氨基酸序列表和对所称发明的必要性,该书面意见是在下列基础上制定 |
| | 的 | |
| | a. | 材料的类型 |
| | | □ 序列表 |
| | b. | □ 与序列表相关的表格 材料的形式 |
| | | □ 纸件形式 |
| | | □ 电子形式 |
| | c. | 提交/提供时间 |
| | | □ 包括于已提交的国际申请。 |
| | | 以电子形式与国际申请一起提交。 |
| | | □ 为检索之用随后提交本国际检索单位。 |
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| 3、 | | 另外,在提交/提供了多个核苷酸和/或氨基酸序列表和/或与其相关的表格的版本或副本的情况下,提 |
| | | 供了关于后提交的或附加的副本与已提交的国际申请中的序列表相同或未超出国际申请中序列表范围 |
| | | (如适用)的声明。 |
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| 4. | 补充 | · · · · · · · · · · · · · · · · · · · |
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PCT/ISA/237 表(第I栏) (2005 年 4 月)

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PCT/CN2006/000351

| _ | 按细则 43 之二. | 关于新颖性、创造性或工业实用性的意见; 支持这种意! | 见的引证和解释 |
|---|------------|----------------------------|--------------------|
| • | 意见 | | |
| | 新颖性(N) | 权利要求 1-10 | 是 |
| | | 权利要求 | |
| | 创造性(IS) | 权利要求 2-4, 6-10 | 是 |
| | | 权利要求_1,5 | |
| | 工业实用性(IA) | 权利要求_1-10 | · · 是 |
| | | 权利要求 | 否 |

引业和解释

本检索报告引用了以下对比文件:

D1: CN1372765A

D2: CN1741060A

D3: US200401750A1

D4: US6002393A

权利要求1请求保护一种电视广告播放系统,对比文件1公开了一种电视系统,使广告 能针对所宣传的产品或服务特别感兴趣的观众来播放。在附图1中公开了广播装置102(相 当于广告中心),用于收集和处理广告信息;用户接口109和电视108(相当于显示器和电 视机),用于显示所需的个性化广告;权利要求1与对比文件1的区别在于,权利要求1还包 括一智能控制模块,用于接收广告中心的广告信息并发送到广告用户的显示器和/或电视 机。这一特征在对比文件1中没有公开,因此权利要求1具有新颖性,符合PCT第33条(2) 的要求。

然而对比文件1中公开了网络提供商104和接收机105,也可以将广播中心收集和处理 的广告信息发送到相关的用户接口和电视机,与本发明中的智能控制模块实现了完全相同 的作用,这对本领域技术人员来说是显而易见的。因此对本领域技术人员来说,在对比文 件1的基础上结合本领域公知常识从而得到权利要求1的技术方案是显而易见的,因此权利 要求1不具备创造性,不符合PCT第33条(3)的要求。

另外,对比文件2公开了一种付费给广告点播用户的网络广告系统。对比文件3公开了 一种向观看者显示目标内容(例如广告)的交互式电视系统。对比文件4公开了一种将所需 的电视广告发送到各个消费者的系统和方法。上述对比文件都可破坏权利要求1的创造性。

权利要求2-4的附加技术特征对智能控制模块的结构和广告播放决策程序单元进行了限 定,上述特征在以上对比文件中都没有公开,并且现有技术中也没有给出相关的启示和教 导,因此权利要求2-4具有新颖性和创造性,符合PCT第33条(2)和(3)的要求。

权利要求5请求保护与权利要求1-4中任一系统所对应的电视广告播放方法,基于上述 理由,权利要求5请求保护的与权利要求1对应的方法不具备创造性,不符合PCT第33条(3) 的要求。

权利要求6-10的附加技术特征在现有技术中都没有公开,也没有给出相关的启示和教 导,因此权利要求6-10具有新颖性和创造性,符合PCT第33条(2)和(3)的要求。

权利要求1-10的技术方案可在电视广告领域内制造和使用,具有工业实用性,符合PCT 第33条(4)的要求。

Translation

PATENT COOPERATION TREATY

From the

INTERNATIONAL SEARCHING AUTHORITY

To:

CHINA PATENT AGENT(H.K.) LTD

22/F, Great Eagle Centre, 23 Harbour Road
Wanchai, Hong Kong Special Administrative Region
PR CHINA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

| P.R.CHINA | | (PCT Rule 43 bis.1) | | | |
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| | | Date of mailing (day/month/year) | 2 2006 (2 1 · 1 2 · 2 0 0 6) | | |
| Applicant's or agent's file reference | | FOR FURTHER A | | | |
| FPEL06150005 | | see paragraph 2 below | | | |
| International application No. | International filing d | | | | |
| PCT/CN2006/000351 | 08. Mar.2006(| • | | | |
| International Patent Classification (IPC) or bo | oth national classificat | ion and IPC | , | | |
| | H04N7/16 | (2006.01)i | | | |
| Applicant | | | | | |
| WONG; Kamfu et al | | | | | |
| 1. This opinion contains indications relating | og to the following item | me: | | | |
| Box No. I Basis of the opinion | _ | iis. | | | |
| Box No.II Priority | | | | | |
| Box No. III Non-establishment | of opinion with regar | d to novelty, inventive | step and industrial applicability | | |
| ☐ Box No. IV Lack of unity of in☐ Box No. V Reasoned statement | | V:\::4b | | | |
| | nations supporting such |)(I)WIM regard to nove h statement | lty, inventive step or industrial applicability; | | |
| Box No.VI Certain documents | cited | | | | |
| | he international applic | | | | |
| · · · · · · · · · · · · · · · · · · · | ns on the international | application | | | |
| 2. FURTHER ACTION | | | | | |
| Thornaronal Trontinuary Examining Au | EA and the chosen IPE | cept that this does not A has notified the International | considered to be a written opinion of the ot apply where the applicant chooses an rnational Bureau under Rule 66.1 bis(b) that | | |
| If this opinion is, as provided above, con IPEA a written reply together, where approf Form PCT/ISA/220 or before the expiration | ropriate, with amendin | lents, before the expir | A, the applicant is invited to submit to the ation of 3 months from the date of mailing ichever expires later. | | |
| For further options, see Form PCT/ISA/22 | | | | | |
| • | | | | | |
| 3. For further details, see notes to Form PCT/IS | SA/220. | | | | |
| • | | | | | |
| Name and mailing address of the ISA/CN | Date of completion of | this opinion T | A web a size of a first | | |
| The State Intellectual Property Office, the P.R.China 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451 | 15.Nov. 2006 (| | Authorized officer CHEN XI Telephone No. 86=10-62084648 | | |

Form PCT/ISA/237(cover sheet)(April 2005)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/CN2006/000351

| Box | | | | | | | | | | |
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| 1. | Witt | n regard | to the langua | ge, this opinion | n has been establis | shed on the basis of | f: | | | |
| | \boxtimes | a trans | lation of the | nternational a | language in which | | . w | hich is the lang | ກາສອຣຸດfa tran | slatio |
| | | furnish | ed for the pur | poses of intern | ational search (Ru | iles 12.3(a) and 23. | 1(b)). | | , augo or a um | ratuui |
| 2. | With inve | regard t | o any nucleon is opinion has | ide and/or an been establish | nino acid sequence ned on the basis of | ce disclosed in the i | international app | lication and nec | essary to the c | laimed |
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| | | | equence listing e(s) related to | the sequence | listing | | | | | |
| | b. | format o | f material | | | | | | | |
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| | [| | _ | _ | pplication as filed | | | | | |
| | [| filed | d together with | the internation | onal application in | electronic form | | | · | |
| | , [| furn | ished subsequ | ently to this A | authority for the pr | urposes of search | | | | |
| | • | P P | m as thed of t | oes not go be | yong the application | on as med, as appro | opriate, were fun | nished. | | |
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| !. | | | | oes not go bey | ond the application | as med, as appro | opriate, were fun | nished. | | |
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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/CN2006/000351

| Bo | k No. V | Reasoned statement unde citations and explanations | r Rule 43 <i>bis</i> .1(a | e)(i) with regard to novelty, inventi- | ve step or industrial applicability; |
|----|-----------|--|---------------------------|--|--------------------------------------|
| 1. | Statement | | | | |
| | Nove | elty (N) | Claims | 1-10 | YES |
| | | | Claims | | NO NO |
| | Inver | ntive step (IS) | Claims | 2-4,6-10 | YES |
| | | | Claims | 1, 5 | NO NO |
| | Indust | rial applicability (IA) | Claims | 1-10 | YES |
| | | | Claims | | NO NO |

2. Citations and explanations

Reference is made to the following document:

D1: CN1372765A

D2: CN1741060A

D3: US200401750A1

D4: US6002393A

Claim 1 claims a television advertisement broadcasting system, and D1 discloses a television system which can deliver advertisements or services to individual viewers according to his or her special interests. D1 discloses(see figure 1) broadcasting means 102(corresponding to advertisement center in claim 1) for collecting and processing advertisement information; user interface 109 and television 108 (corresponding to display and television in claim 1) for displaying interested advertisements. Claim 1 differs from D1 in that, claim 1 further includes an intellectual control module for receiving advertisements information from advertisement center and delivering the advertisements to the user's display and/or television. The above feature is not disclosed in D1, therefor claim 1 involves novelty, and meets the requirements in PCT 33 (2).

D1 discloses a network provider 104 and receiver 105, which can also collect and process advertisements information from the broadcasting center and deliver the advertisements to the user interface and television, and achieves the same technical effect as that of the intellectual control module in claim 1. Therefor it is obvious for a person skilled in the art to obtain the technical solution of claim on the basis of D1 and common knowledge in the art. So claim 1 lacks an inventive step, and does not meet the requirements in PCT 33 (3). Furthermore, D2 discloses a network advertising system of directly paying to advertisement requesting user. D3 discloses a targeted content (e.g. advertisements) delivery system in an interactive television network. D4 discloses a system and method for targeting TV advertisements to individual consumers. The above documents can also destroy the inventive steps of claim 1.

Claims 2-4 further describes an advertisement broadcasting decision unit and the structure of the intellectual control module. The said features are not disclosed in the above documents, and there is no teachings or suggests in the prior art, therefor claims 2-4 involve novelty and inventive steps, and meet the requirements in PCT 33 (3).

Claim 5 claims a television advertisement broadcasting method corresponding to anyone of the systems claimed in claims 1-4. The method corresponding to the system of claim 1 is not inventive for the same reason, therefor claim 5 lacks inventive steps, and does not meet the requirements in PCT 33 (3).

The subject-matters in Claims 6-10 are not disclosed in the above documents and there is no teachings or suggests in the prior art, therefor claims 6-10 involve inventive steps, and meet the requirements in PCT 33 (3).

The subject-matters in claims 1-10 seem to be industrially applicable in technical field of the television advertisements, therefor meet the requirements in PCT 33 (4).